

**REMARKS**

The present amendment is in response to the Office Action dated October 29, 2007. By the present amendment, claims 1, 12, 43, 51, and 67 have been amended. No claims have been added or cancelled in this response. Accordingly, claims 1-8, 11-14, 17-26, 29-32, 43-44, 46, 49-51, 53-57, 59, and 61-72 are pending in the present application. Reconsideration and allowance of pending claims 1-8, 11-14, 17-26, 29-32, 43-44, 46, 49-51, 53-57, 59, and 61-72 in view of the following remarks are respectfully requested.

**A. Objections under 35 USC 112**

The Examiner objected to claims 12 and 51 under 35 USC §112. Applicants have amended claims 12 and 51 and respectfully submit that the claims as presented meet the requirements of 35 USC §112.

**B. Rejection under 35 USC 112**

The Examiner rejected claims 12, 43, and 51 under 35 USC §112. Applicants have amended claims 12, 43 and 51 and respectfully submit that the claims as presented meet the requirements of 35 USC §112.

**C. Rejection under 35 USC §103(a) Kingdon in view of Dooley and Boesch**

The Examiner rejected claims 1-5, 11-13, 15, 17, 20-23, 29-31, 43, 46, 49, 51, 53-54, 59, 61-65, 67, and 71 under 35 USC §103(a) as being unpatentable over US Patent No. 6,411,811 ("Kingdon") in view of US Patent No. 6,525,689 ("Dooley") and U.S. Pub. No. 2002/0111171 ("Boesch"). Applicant respectfully submits that the combination of references do not teach or suggest all the limitations of any one of the claims and that the obviousness rejection is improper since there has not been a sufficient presentation of evidence and reasoning to support a prima facie case for obviousness.

**i. Insufficient evidence and reasoning presented for Obviousness rejection**

In order to establish a prima facie case for obviousness, "there must be some

articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." KSR Int'l Co. v. Teleflex Inc., 127 S.Ct.1727, 1740-41. Applicants submit that the Examiner has not articulated a reasoning with a rational underpinning to support the legal conclusion for obviousness. The Office Action provides no analysis or reasoning regarding how Kingdon is to be modified by Dooley to result in a combination that renders the claims obvious. For example, the Office Action provides no explanation on how installing a GPS antenna at a base station of Kingdon results in a system that transmits signals received from a satellite. Kingdon teaches to use signals received from a network MLC. The Examiner has not presented any evidence that one of ordinary skilled in the art would modify Kingdon to transmit signals other than signals from the network MLC.

The Supreme Court has emphasized that "the principles laid down in Graham reaffirmed the 'functional approach' of Hotchkiss, 11 How. 248." KSR, 127 S.Ct. at 1739 (citing Graham, 383 U.S. at 12 (emphasis added)), and reaffirmed principles based on its precedent that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." The Court also stated "[i]f a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability." KSR at 1740. The operative question in this "functional approach" is thus "whether the improvement is more than the predictable use of prior art elements according to their established functions." *Id.*

Applicants respectfully submit that the combination set forth by the Examiner does not combine familiar elements according to known methods to yield predictable results. The Examiner's combination requires modification of Kingdon. The combination is not a combination of "familiar elements" since the components in the references are being modified. The combination is more than a predictable use of prior art elements according to their established functions. The established function of the GPS receiver in Dooley is to provide signals that are processed at the base station. By combining references in an attempt to reject the claims, the receiver is used in a manner not taught in the prior art. More specifically, the GPS receiver in Dooley does not receive GPS signals for transmission to the mobile device. Applicants further submit that the Examiner has not set forth any evidence or reasoning establishing that a person of

ordinary skill could have implemented the variation from Kingdon and that such as variation was predictable.

**ii. Combination of references do not teach all limitations of any of the claims**

Applicant respectfully submits that neither Kingdon, nor Dooley, nor Boesch, nor a combination of the three, teaches or suggests all the limitations of any one of independent claims 1, 12, 20, 43, 51, or 67 and that claims 2-5, 11, 13, 15, 17, 21-23, 29-31, 46, 49, 53-54, 59, 61-65, and 71 are allowable for at least the reason that these claims depend from an allowable base claim.

**Claim 1**

As amended claim 1 recites "transmitting, from the base station and not in response to a position request, the received GPS satellite information to a GPS enabled device" where the received GPS satellite information is received "through an antenna at the base station". Applicants respectfully submit that this feature is not disclosed in Kingdon. Kingdon transmits information that is received from a GPS receiver that is not at the base station. Kingdon teaches to receive GPS satellite information at an MLC and not through an antenna at the base station. (Kingdon, Col. 4, line 63 to col. 5, line 14). Accordingly, the information transmitted to the mobile station is not information received through an antenna at the base station. Boesch teaches to receive GPS information at a mobile device. (Boesch, page 4, [0035], [0037]) Boesch also discusses receiving information from GPS satellites at reference receivers. Boesch does not suggest that GPS satellite information can be received from satellites through an antenna at the base station. The Examiner relies on Dooley for support that this limitation is disclosed. Dooley, however, does not teach or suggest to transmit information that is received at the base station. Dooley teaches to modify information received at the base station to mimic signals as they would have been received at the mobile unit. Accordingly, Dooley teaches to transmit replica signals and does not teach to transmit information received at the base station.

Claim 1 further recites "receiving, from the GPS enabled device, decoded position signals generated by the GPS enabled device using the GPS satellite information." Applicants respectfully submit that the references do not teach or suggest this feature. The Examiner relies on Kingdon for support that this limitation is shown. Kingdon, however, teaches to receive a position of the mobile station from the mobile station 200 not decoded position signals. Accordingly, Kingdon teaches to determine the position of the mobile station using the GPS receiver in the mobile station. Claim 1, however, recites that decoded position signals are received from the mobile device and that the position is determined and transmitted back to the mobile device. Latitude and longitude values are not the same as decoded satellite signals. Decoded satellite signals require additional processing to determine a position. Latitude and longitude values however, define a position without additional processing. There is no disclosure in Kingdon suggesting that the location application 250 determines a position of the mobile station from decoded satellite signals. On the contrary, language within Kingdon teaches that the location application 250 cannot determine position. For example, Kingdon recites: "when a requesting Location Application (LA) 250 requests positioning of a Mobile Station (MS) 200 within a Public Land Mobile Network (PLMN) 290 (step 300), the positioning request is forwarded to a Mobile Location Center 240 serving the PLMN 290 (step 310)." (Kingdon, Col 3, lines 57-62) Accordingly, the LA 250 requests the position of the MS indicating that the LA 250 does not determine position. Boesch teaches to receive GPS assistance information at the mobile device and determine the position at the mobile device. There is no suggestion that the device position is transmitted from the base station. Dooley teaches to transmit modified signals to the mobile so the mobile can determine position. Accordingly, Dooley does not teach that decoded satellite signals are received at the base station from the mobile.

#### Claims 2-8 and 11

Claims 2-8 and 11 depend from claim 1 which applicants respectfully submit is allowable. Accordingly, these claims are at least allowable for the reason that the claims depend from an allowable base claim.

Claim 12

Claim 12 recites a method comprising "receiving, from a base station, GPS satellite information not transmitted in response to a position request, the GPS satellite information received through an antenna at the base station". As discussed with reference to claim 1, the combination of references do not teach or suggest transmitting GPS satellite signals that were received through an antenna at a base station. Accordingly, applicants respectfully submit that the references do not teach or suggest receiving, from a base station, GPS satellites signals that were received through an antenna at the base station.

Claim 12 further recites "decoding the received position signals to generate decoded position signals" and "transmitting the decoded position signals to the base station". Applicants respectfully submit that neither Kingdon, nor Boesch, nor Dooley, nor a combination of the three, teaches or suggests this feature. As discussed above, Kingdon teaches to transmit the position from the mobile station such as latitude and longitude and does not discuss sending decoded position signals. There is no discussion in Boesch related to transmitting decoded position signals. Dooley teaches to transmit modified signals to the mobile so the mobile can determine position.

Claims 13-15 and 17-19

Claims 13-15 and 17-19 depend from claim 12 which applicants respectfully submit is allowable. Accordingly, these claims are at least allowable for the reason that the claims depend from an allowable base claim.

Claim 20

Claim 20 recites "a transmitter configured to transmit the received GPS satellite information to a GPS enabled device at a time that is not associated with a position request." Applicants respectfully submit that neither, Kingdon, nor Dooley, nor Boesch, nor a combination of the three, teaches or suggests this feature. Dooley teaches to modify the GPS information received through the GPS receiver in order to provide the mobile unit with GPS information that reflects the GPS signal characteristics as would

be observed at an estimated location of the mobile unit. (Column 2, lines 35-38). The new GPS information is transmitted to the mobile unit. Accordingly, Dooley does not teach to transmit the "received GPS satellite information". Boesch does not teach to transmit GPS information that is received through a GPS receiver at a base station. As shown in FIG. 1, the BS 12 receives information from a GPS reference receiver 22 and does not include a GPS receiver. Accordingly, the any GPS information transmitted from the base station in Boesch is not "received GPS satellite information" that is received through a GPS receiver at the base station.

Claim 20 further recites "a receiver configured to receive decoded position signals from the GPS enabled device." Applicants respectfully submit that neither Kingdon, nor Dooley, nor Boesch, nor a combination of the three, teaches or suggests this feature. Dooley teaches to determine position at the mobile unit based on modified GPS signals received from the base station. As discussed above, is no discussion in Dooley regarding the transmission of decoded position signals from the mobile unit to the base station. Boesch teaches to determine position at the mobile unit and does not include any discussion of receiving decoded position signals at a base station from a GPS enabled device.

Claim 20 further recites "the base station is configured to determine a position of the GPS enabled device based on the received decoded position signals, and to transmit the determined position to the GPS enabled device." Applicants respectfully submit that neither Dooley, nor Boesch, nor a combination of the two, teaches or suggests this feature. Dooley teaches to determine position at the mobile unit. There is no discussion in Dooley regarding the determination of position at the base station. Boesch teaches to determine position at the mobile unit and does not include any discussion of determining position at a base station.

Claims 21-26 and 29-32

Claims 21-26 and 29-32 depend from claim 20 which applicants respectfully submit is allowable. Accordingly, these claims are at least allowable for the reason that the claims depend from an allowable base claim.

Claim 43

Claim 43 recites a “transmitter configured to transmit the decoded position signals to the base station”. Applicants respectfully submit that neither Kingdon, nor Boesch, nor Dooley, nor any combination of the three, teaches or suggests this feature. As discussed above with reference to claim 1, Kingdon teaches to transmit the actual position (e.g. latitude and longitude) of the mobile station 200 from the mobile station 200. (Column 5, lines 18-20) and does not suggest to send decoded position signals. Boesch does not discuss sending decoded position signals from the mobile terminal. Dooley teaches to determine position at the mobile unit based on modified GPS signals received from the base station. There is no discussion in Dooley regarding the transmission of decoded position signals from the mobile unit to the base station.

Claim 43 also recites that the receiver is further configured to “receive the position determined from the decoded position signals from the base station”. Applicants respectfully submit that neither Kingdon, nor Boesch, nor Dooley, nor any combination of the three, teaches or suggests this feature. Although Kingdon suggests that the LA may be within the MS 200, this does not show that the position of the GPS enabled device is transmitted to the mobile device. Since the position is determined by the mobile station in Kingdon, there is no reason to receive the position from a base station. Kingdon teaches away from the invention by specifying that the position is determined by the mobile device. Further, Kingdon does not suggest that the position is determined from the decoded position signals that were transmitted to the base station. Boesch teaches to receive GPS assistance information at the mobile device and determine the position at the mobile device. There is no suggestion that the position device position is transmitted from the base station. Dooley teaches to determine

position at the mobile unit. There is no discussion in Dooley regarding the determination of the position elsewhere. The position is not received at the mobile unit in Dooley.

Claims 44, 46, and 49-50

Claims 44, 46, and 49-50 depend from claim 43 which applicants respectfully submit is allowable. Accordingly, these claims are at least allowable for the reason that the claims depend from an allowable base claim.

Claim 51

Claim 51 recites a system that includes a GPS enabled device comprising a “transmitter configured to transmit the decoded position signals to the base station”. As discussed above with reference to claim 43, applicants respectfully submit that neither Kingdon, nor Boesch, nor Dooley, nor any combination of the three, teaches or suggests this feature.

Claims 53-57, 59 and 61-66

Claims 53-57, 59 and 61-66 depend from claim 51 which applicants respectfully submit is allowable. Accordingly, these claims are at least allowable for the reason that the claims depend from an allowable base claim.

Claim 67

Claim 67 recites “a transmitter to transmit the GPS satellite information to a GPS enabled device not in response to a position request” where the GPS satellite information is received from a GPS satellite by a GPS receiver. As discussed above, the references do not teach or suggest this feature.

Claims 68-72

Claims 68-72 depend from claim 67 which applicants respectfully submit is allowable. Accordingly, these claims are at least allowable for the reason that the claims depend from an allowable base claim.



**D. Conclusion**

For all the foregoing reasons, an allowance of claims 1-8, 11-14, 17-26, 29-32, 43-44, 46, 49-51, 53-57, 59, and 61-72 pending in the present application is respectfully requested. If necessary, applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a). The Director is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp.

Respectfully Submitted,

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